



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - ೪ಎ Part - IVA	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ೧೭,ನವೆಂಬರ್, ೨೦೨೦(ಕಾರ್ತಿಕ, ೨೬, ಶಕವರ್ಷ ೧೯೪೨) Bengaluru, TUESDAY, 17, NOVEMBER, 2020(Karthika, 26, ShakaVarsha 1942)	ನಂ. ೫೫೨ No. 552
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GOVERNMENT OF KARNATAKA

No. ED 137 DTE 2020.

Karnataka Government Secretariat,
M.S. Building, 2nd Gate, 6th floor,
Bangalore dated:17-11-2020.

NOTIFICATION

The draft of the Karnataka Civil Services (Regulation of Transfers of Staff of Department of Technical Education) Rules 2020, which the Government of Karnataka proposes to make in exercise of the powers conferred by sub-section (1) of Section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) is hereby published as required by clause (a) of sub-section (2) of Section 3 of the said Act, for information of all persons likely to be affected thereby and notice is hereby given that same draft will be taken into consideration after expiry of fifteen days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections and suggestions may be addressed to Principal Secretary to Government, Education Department (Higher Education), M.S. Building, Bengaluru-560 001.

1. **Short title, application and commencement.** – (1) These rules may be called The Karnataka State Civil Services (Regulation of Transfer of Teaching Staff of Department of Technical Education) Rules, 2020.

(2) The provisions of this rule shall be applicable to Teaching staff of the Department of Technical Education as specified in the Schedule.

(3) They shall come into force from the date of their final publication in the official Gazette.

2. **Definitions**- (1) In these rules, unless the context otherwise requires, -

(a) "Appointment" means appointment by direct recruitment, by absorption or by promotion;

(b) "Appointing Authority" means authority competent to make appointment to any teaching staff in the Karnataka Education Department Service (Technical Education Department);

(c) "Competent Authority" means the Commissioner of Collegiate and Technical Education who is competent to transfer under these rules;

(d) "Counselling" means; Process of computerised counselling by giving opportunity to a person considered for appointment or transfer to opt for a place or post available as per these rules;

(e) "Government" means the Government of Karnataka;

(f) "Government College" means all Colleges belonging to the State Government that include Government Engineering Colleges, Government Polytechnic's or Government Junior Technical Schools and all other Government Colleges which come under the purview of the Department of Technical Education.

(g) "Lien" has the same meaning as defined in Karnataka Civil Services Rules, 1958;

(h) "Person with benchmark Disability" means person with benchmark disability as defined in Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) and Rules issued there under;

(i) "Proforma" means the form specified by the Competent Authority;

(j) "Regular Posting" means place of posting of teaching staff where the lien of the teaching staff lies;

(k) "Schedule" means Schedule appended to this Rule;

(l) "Serious ailments" mean,-

- (i) List of diseases as notified by the Government in case of an employee;
- (ii) List of diseases as notified by the Government in case of an employee's spouse and children.

(m) "Spouse case" means a case where spouse of the teaching staff who is an employee of State or Central Government or nationalized banks or Government owned public sector undertaking or enterprise or corporation or board or private aided college or an university;

(n) "Sufficient Workload" means the workload specified as sufficient by the Competent Authority;

(o) "Teaching Staff" means those employees enumerated in Schedule appended to these rules;

(p) "Transfer" means posting of a teaching staff from one office or Government Engineering College or Government Polytechnic or Government Junior Technical Schools where he is having regular posting to another office or Government Engineering College or Government Polytechnic or Government Junior Technical Schools of Department of Technical Education through counselling ;

(q) "Unit of Seniority" for the purpose of posting of teaching staff of the Department of Technical Education shall be the State.

(r) "Workload" means the subject wise average workload on the basis of student strength of last three academic years.

(s) "Zone" means the specific areas classified as zone for the purpose of appointment or transfer of teaching staff and includes-

(i) “Zone A” means any area within the limits of Bruhat Bengaluru Mahanagara Palike:

(ii) “Zone-B” means all areas within the limits of the Bangalore Development Authority and areas falling within the limits of city corporations constituted under The Karnataka Municipal Corporations Act 1976 (Karnataka Act 14 of 1977), excluding the areas falling under Zone-A.

(iii) “Zone-C” means all District Head Quarters excluding the area falling under Zone-A and Zone-B;

(iv) “Zone-D” means all other areas excluding those falling under Zone-A, Zone-B and Zone-C.

(2) words and expressions used, but not defined in these rules shall have the same meaning assigned to them in the Karnataka State Civil Service (General Recruitment) Rules, 1977.

3. Shifting of Posts. - (1) If sufficient workload is not available for teaching staff in any Government Engineering College or Government Polytechnic or Government Junior Technical Schools in any subject, such number of posts as determined as surplus may be shifted to any other College within the same Zone where the workload is sufficient for shifting of posts, by the competent authority.

Provided that if a Government Engineering College or Government Polytechnic or Government Junior Technical Schools with sufficient workload in that subject is not available in the same Zone, such number of posts in that subject shall be shifted to any Government Engineering College or Government Polytechnic or Government Junior Technical Schools having sufficient workload in any other zone by the Competent Authority.

Provided further that, if a staff is shifted along with the post, the place and zone of earlier regular posting before shifting shall be considered for determining minimum length of service for transfer under rule 4 and for preparing priority list under rule 5.

(2) The process of shifting posts as per sub rule(1) shall be completed prior to undertaking transfer process as per rule 4, 5, 6 & 7 and within the transfer period as prescribed in Rule 8.

4. Transfer of teaching staff by counselling in the interest of public service or on request: - (1). The teaching staff shall be transferred only through a process of counselling in the interest of public service after completion of minimum length of service at the place of regular posting subject to restrictions imposed in sub-rule (3). The minimum length of service to be completed at the place of present regular posting for the purpose of transfer shall be 04 (four) years.

(2). The teaching staff may request for transfer through counselling after completion of minimum length of service at the place of present regular posting as stipulated in sub-rule (1) subject to restrictions imposed in sub-rule (3).

(3). Restriction on transfer – The total number of transfers through counselling shall not exceed twelve percent of the sanctioned strength of the teaching staff. Out of 12% of total number of transfers, 6% shall be earmarked for transfers in the interest of public service through counselling and remaining 6 % shall be earmarked for transfers on request through counselling, as specified in table below, on completion of minimum length of service as prescribed in sub-rule (1):-

Sl. No.	Category	Percentage of transfers through counselling
1.	Transfers in the interest of public service	6 %
2.	Spouse cases	3 %
3.	Widow or Single parent or divorce Cases	1 %
4.	Cases of person with disabilities	1 %
5.	Serious ailment cases	1 %
Total		12 %

Provided that, if no eligible candidates are available in any of the above-mentioned cases (excluding Category-1), the competent authority shall re-allocate the remaining percentage of transfers reserved for the cases coming under category 2, 3, 4 and 5 to Category-1.

(4). Exceptions to transfers. - (a) The minimum length of service as prescribed in sub-rule (1) shall be relaxed by one year, if the concerned teaching staff so desires and shall be availed only once in the total span of service, in the following cases, namely :-

- (i) Spouse cases;
- (ii) Where a teaching staff is a widow;
- (iii) Where a female teaching staff is a divorcee and who has not remarried;
- (iv) Where a teaching staff is suffering from benchmark disabilities and
- (v) Where a teaching staff has a spouse or children and they are suffering from serious ailment, for which medical treatment is not available at the place of work of teaching staff and the transfer of teaching staff is necessary to a place where such treatment is available. Subject to provisions in these Rules.

Provided that no transfer shall be considered under this clause unless the concerned teaching staff produces a certificate from the District Medical Board Specifying the nature of ailment, stating the fact that the required treatment is not available at his place of work and also specifying the place where the required treatment is available and certifying that his transfer is necessary to such a place to provide him the required medical treatment.

(b). A teaching staff who have completed minimum length of service as prescribed in sub-rule (1) shall be subject to following exemptions from transfer, namely:-

(i) A teaching staff who has less than two years of service for superannuation shall not be transferred, if the teaching staff so desires.

(ii) A teaching staff who is undertaking a major project sanctioned by the AICTE, TEQUIP and any other Government body or any Statutory Agency for a specific period shall not be transferred for a period of two years or till the completion of project, from the date of completion of minimum length of service as prescribed in sub-rule (1), whichever is earlier. In order to claim said exemption, the concerned teaching staff shall provide details of major project undertaken in proforma specified prescribed by competent authority. Provided that, this extension can be availed only once in the total span of service:

(c) A teaching staff, who is a research guide and has students undertaking Ph.D/M.Phil research work under him, in a Government Engineering College

with research centers shall not be transferred for two years from the date of completion of minimum length of service as prescribed in sub-rule (1).

(d) A teaching staff who is serving as a NCC Officer in Government Engineering & Polytechnic Colleges shall not be transferred for two years from the date of completion of minimum length of service as prescribed in sub-rule (1).

(5). The transfer by counselling shall be done in the following order:

(a) The teaching staff working in Zone-B, as per the priority list prepared under Rule 5 in the descending order of seniority, shall be allowed to select any college displayed in any zone except the present place of posting.

(b) The teaching staff working in Zone-C, as per the priority list prepared under Rule 5 in the descending order of seniority, shall be allowed to select any college displayed in any zone except the present place of posting.

(c) The teaching staff working in Zone-D, as per the priority list prepared under Rule 5 in the descending order of seniority, shall be allowed to select any college displayed in any zone except the present place of posting.

(e) The teaching staff working in Zone-A, as per the priority list prepared under Rule 5 in the ascending order of seniority, shall be allowed to select any college displayed in any zone except Zone-A. If no displayed college is available in Zone-B or Zone-C or Zone-D then the teaching staff is allowed to select any other displayed college in Zone-A.

5. Preparation of priority lists – (a) The priority lists of the teaching staff who have completed minimum length of service as prescribed in sub-rule (1) of rule 4, and has completed maximum years of services in a Zone and who shall be transferred within the limit prescribed under sub-rule (3) of rule 4, Teaching staff who have requested for transfer under sub-rule (2) of rule 4 and of those teaching staff desiring to avail relaxation under clause (a) of sub-rule (4) of rule 4 at the place of present regular posting shall be prepared zone wise and category wise as given in the schedule, based on the total number of years served in the entire service in the zone of present regular posting.

(b) Within each zone, priority lists shall be prepared individually for each category given in sub-Rule 3 of Rule 4 and transfer from each zone shall be done in the following order of priority:

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- (i) Persons with benchmark disabilities;
 - (ii) Serious ailments;
 - (iii) Widow or single parent or divorcee cases;
 - (iv) Spouse cases;
 - (v) Transfers in the interest of public service;
- (c) For the purpose of calculating service in each zone, the zonal classification of place of regular posting which existed at the time of service of concerned staff shall be considered.
- (d) If the number of years served is equal, the seniority based on the last operated gradation list shall be considered and the senior shall have precedence in the counselling.
- (e) The Competent Authority shall prepare provisional priority list as per procedure enumerated above and notify the same for submission of objections within period of fifteen days on Department of Technical Education website. On receipt of objections from teaching staff, they may be considered or rejected on basis of its validity and the final priority list shall be published.

6. Procedure for conducting counselling – (1) Before initiation of counselling procedure, the subject-wise posts sanctioned, subject-wise workload, working strength and vacant posts and other details shall be submitted by all Principals in the proforma specified by the Competent Authority or through online information system.

(2) The posts of teaching staff to be filled by counselling shall be notified by Competent Authority based on the availability of sufficient workload and academic requirement and clause (e) of rule 5.

(3) Application for transfer on request shall be submitted by teaching staff desiring for transfer on request within the date and in proforma specified by the Competent Authority.

(4) The applications received within last date shall be scrutinised and if the information furnished in transfer application is found to be incorrect, then suitable disciplinary action shall be taken against the applicant as per Karnataka Civil Services (Control, Classification and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966.

(5) The final list of posts to be filled by counselling based on request and in the interest of public service shall be published.

(6) The teaching staff or applicant on the receipt of the instructions from Competent Authority shall appear for counselling and select any of the posts displayed within the allotted time under sub-rule (5) of rule 4. In the event of the teaching staff or applicant, who is scheduled to appear for counselling on request, does not appear for counselling or appears and fails to select a place within the stipulated time, he shall be deemed to be continued in the existing working place, unless otherwise, he is transferred in the interest of public service by counselling.

Provided that, if, in the event of the teaching staff, who is scheduled to appear for counselling for transfer in the interest of public service, does not appear for counselling or appears and fails to select a place within the stipulated time, then the Competent Authority is empowered to transfer and post the said staff against the displayed vacancy at the end of the counselling in public interest.

Provided further that, If, the teaching staff does not report for duty at the place of posting by transfer, said staff shall be liable for suitable disciplinary action under Karnataka Civil Services (Control, Classification and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966.

(7) The posts of teaching staff displayed to be filled by counselling shall include the vacancies that will be created by compulsory transfer of teaching staff who have completed minimum length of service as specified in sub-rule (1) of rule 4 and have completed maximum number of years of service in a zone and within limits prescribed in sub-rule (3) of rule 4 by counselling. Further, on selection of displayed post by a teaching staff in a Government Engineering College or Government Polytechnic or Government Junior Technical Schools by counselling, the said post shall be removed from list of displayed Government Engineering College or Government Polytechnic or Government Junior Technical Schools for further counselling.

7. Issuance of Orders. - The Competent Authority shall issue transfer orders made on request and in the interest of public service to the teaching staff against the post selected or allotted by the Competent Authority in counselling. The

copies of transfer order shall be uploaded in the Department of Technical Education website.

8. Transfer period. - All transfers whether made in interest of public service or on request may be done between the month of May and July in a calendar year or as notified by the Government.

Provided that the above transfer period shall not apply to cases coming under rules 9, 10, and 12.

9. Procedure for initial appointment by counselling.-

(1) The teaching staff on initial appointment shall be allowed to select any displayed post in Zone-D based on seniority in the selection list. However, in case of persons with benchmark disabilities, they shall be given preference in counselling based on inter-se seniority among persons with benchmark disabilities.

Provided that above condition shall not be applicable to the cadre where there is no sanctioned post in Zone-D and in such cases initial posting shall be given to Zone-C. If there is no sanctioned post in Zone-C, then in such cases initial posting shall be given to Zone-B. If there is no sanctioned post in Zone-B, then in such cases initial posting shall be given to Zone-A.

(2) If no vacancy is available for initial appointment in Zone-D, required number of vacancies may be created by transferring teaching staff as per rules 4,5,6 and 7, subject to following provisions and in that order;

(a) in order to create required number of vacancies in Zone-D, teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of rule 4 and teaching staff who have completed maximum number of years below the stipulated period in Zone-D shall be allowed to select any displayed post in Zone-C.

(b) if no vacancies are available in Zone-C to accommodate teaching staff transferred from Zone-D, then teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of rule 4 and teaching staff who have completed maximum number of years below the stipulated period in Zone-C shall be allowed to select any displayed post in Zone-B.

(c) if no vacancies are available in Zone-B to accommodate teaching staff transferred from Zone-C, then teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of rule 4 and teaching staff who have completed maximum number of years below the stipulated period in Zone-B shall be allowed to select any displayed post in Zone-A.

10. Regulation of transfers in disciplinary cases - 1) Any teaching staff, who is working in Zone-A or Zone-B or Zone-C, against whom disciplinary action is initiated as per the Karnataka Civil Services (Classification Control and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules, 1966 and is undergoing any time bound penalty imposed under said Rules or who is facing any criminal charges in court of law shall be transferred to Zone-D.

2) If no vacancy is in Zone-D, a vacancy may be created by transfer of a teaching staff who has completed minimum length of service for transfer as prescribed in sub-rule (1) of rule 4 and teaching staff who have completed maximum number of years in zone D may be considered for transfer. The process of transfer shall be done as per rules 5, 6 and 7;

provided that, the teaching staff who shall be transferred from Zone-D shall be allowed to select any displayed post in Zone-C.

Provided further that if, such teaching staff is working in Zone-D, he may be transferred from the place where he is working to another place in the same zone, but he shall not be transferred outside Zone-D till the completion of such disciplinary proceedings, criminal proceeding or penalty as the case may be.

11. Powers of Competent Authority.- Notwithstanding anything contained in these rules, any teaching staff may be transferred to any place in Zone-D by the Competent Authority:-

- (i) On the basis of prima facie findings of misconduct or misbehaviour or financial irregularities or any other act of indiscipline; or
- (ii) On the basis of complaints and prima facie findings of misconduct or misbehaviour or financial irregularities or any other act of indiscipline.

12. Article 371 J.-All guidelines issued by Government of Karnataka with respect to implementation of Article 371 J shall be followed.

SCHEDULE

(See sub rule (o) of Rule 2)

SL. NO.	DESIGNATIONS OF THE TEACHING STAFF OF THE DEPARTMENT OF TECHNICAL EDUCATION.
1	Category-1 Government Engineering College (i) Senior Professors (ii) Professors (iii) Associate Professors (iv) Assistant Professors (Grade-I) (v) Assistant Professors (Grade-II) (vi) Assistant Professors (Grade-III)
2	Category-2 Government Engineering College (i) Chief Librarian/Deputy Librarian/Assistant Librarian (Sl. Scale) / College Librarian (Sl. Scale) Assistant Librarian (Sl. Scale)/College Librarian. (ii) Deputy Librarian/Assistant Librarian (Sl. Scale)/College Librarian (Sl. Scale) (iii) Assistant Librarian (Sr. Scale)/ College Librarian (Sr. Scale). (iv) Assistant Librarian/ College Librarian.
3	Category-3 Government Engineering College (i) Deputy Director of Physical Education & Sports/ Assistant Director of Physical Education & Sports (Sl. Scale)/ College Director of Physical Education & Sports (Sl. Scale) (AGP-9000) (ii) Deputy Director of Physical Education & Sports/ Assistant Director of Physical Education & Sports (Sl. Scale)/ College Director of Physical Education & Sports (Sl. Scale) (AGP-8000) (iii) Assistant Director of Physical Education & Sports (Sr. Scale)/ College Director of Physical Education & Sports (Sr. Scale) (iv) Assistant Director of Physical Education & Sports/College Director of Physical Education & Sports.
4	Category-4 Government Polytechnic (i) Head of Department (ii) Lecturer (Selection Grade-II) (iii) Lecturer (Selection Grade-I) (iv) Lecturer (Senior Scale) (v) Lecturer(AGP-6000) (vi) Lecturer (AGP-5400)
5	Category-5 Government Junior Technical Schools (i) Lecturer (ii) Assistant Lecturer

By Order and in the name of the
Governor of Karnataka,

Under Secretary to Government,
Education Department
(Technical Education).